

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

May 19, 1999
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Denis Anderson, Ron Christianson, Douglas Reese, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 7, Absent 2 - Verna Kelly and Bruce DeBlieck were excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Park and Leisure Services Director Dale Johnson, Public Safety Director Dan Strootman, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

An addition to the Agenda included Labor Relations Committee Report, staff retirement, Special Olympics, an assessment appeal, and Up with People.

Council Member Fagerlie offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 5, Municipal Utilities Commission Minutes of May 10, Rice Hospital Board Minutes of May 12, Building Inspection Report for April, Pioneerland Library Board Minutes of March 18, Housing and Redevelopment Authority Minutes of April 13, Parks and Leisure Services Board Minutes of May 4, Airport Commission Minutes of May 4, Willmar Citizens Cable Advisory Committee Minutes of May 4, and Planning Commission Minutes of May 12, 1999. Council Member Reese seconded the motion, which carried.

Mayor Heitke called on representatives of "Up with People" who presented details of their upcoming June 8, 1999, musical production. The participants need host families to offer room and board during their stay. The young performers in the show come from several countries and many are first-time visitors to America. This matter was for information only.

The Public Works/Safety Committee Report of May 11, 1999, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee met with representatives of Duininck Brothers Inc. (DBI) to discuss development issues related to property in southeast Willmar. Staff had been asked to work with DBI on a number of issues and promote development of the area. Several issues arose that would require Council action such as: 1) City participation in development costs 2) storm water drainage and reconfiguration of the ditch system, and 3) bypass access.

DBI representatives explained that they plan to phase development of the 155 acres and have had several requests to market the property. The area is expensive to develop due to the nature of the soils. DBI was requesting that the City look into possible funding for the development by means of the Municipal State Aid (MSA) system. The Committee suggested Tax Increment Financing (TIF) due to the poor soil conditions and relocation of the ditch.

Staff was instructed to research TIF and/or MSA options and bring findings back to the Committee. This matter was for information only.

Item No. 2 The Committee reviewed site plans and an estimate for an overnight campground at Robbins Island. The proposal included 15-18 parking pads, sewer and water, restroom area and shower, as well as a dumping station. The estimated cost is approximately \$100,000. Staff recommended the project be added to the Capital Improvement Program (CIP) and discussed with the year 2000 budget.

The Committee was recommending to the Council to refer to the CIP 2000 budget and have staff pursue grants for the development of the campground. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Fagerlie seconding the motion. Following a lengthy discussion as to the exact location of the campground, the motion was defeated on a roll call vote of Ayes 2, Noes 4 - Council Members Christianson, Houlahan, Anderson and Dokken voted "No."

Council Member Christianson offered a motion to refer the matter to the Park Board for additional consideration, to gather public input, and rethink the site location. Council Member Houlahan seconded the motion, which carried.

Item No. 3 The Committee reviewed plans for a boat access onto Foot Lake. The proposal includes eight parking stalls and relocation of the bike path. Staff has been working with the DNR on the configuration. The State does have funding available this year for 50 to 75 percent of the project. The Committee was recommending to the Council to refer the matter to staff for finalization of costs and site plan in order to submit a grant application to the DNR for funding. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 4 The Committee reviewed a site plan for the aquatic facility and discussed the availability of City services and the continued coordination of the project as it related to Public Works. This matter was for information only.

Item No. 5 The Committee discussed Kandiyohi Area Transit negotiations for office space in the Centre Point Mall and its request that the City reserve two parking spaces along 4th Street Southwest for deliveries.

Public Works Director Odens suggested that one parking spot located on the east side of 4th Street near the Youth For Christ Office, be dedicated for transit bus parking. It was noted that several 4th Street merchants objected to the loss of another public parking spot. Following discussion, Council Member Reese offered a motion to dedicate one parking spot for transit bus parking at the site recommended by the Public Works Director. Council Member Christianson seconded the motion, which carried.

Item No. 6 The Committee reviewed plans and specifications for the 1999 Street Lighting Improvements (Project No. 9903). The Committee was recommending to the Council to approve the plans and specifications for Project No. 9903 and authorize advertisement of bids. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

WHEREAS, the Public Works Director of the City of Willmar has presented to the City Council plans and specifications for the 1999 Street Lighting Improvements (Project No. 9903) for the City of Willmar;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that: Final plans and specifications are hereby approved, and publication of advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:30 p.m. on the 14th day of June, 1999, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 19th day of May, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee reviewed a loitering Ordinance as redrafted by the City Attorney, along with a letter addressing constitutionality. The Main Street group initially brought this to the Council for consideration. The Committee was recommending to the Council to introduce the ordinance for hearing. Council Member Reese offered a motion to introduce an Ordinance Prohibiting Loitering in the City of Willmar and to schedule a hearing for June 2, 1999. Council Member Anderson seconded the motion, which resulted in a tie vote of Ayes 3, Noes 3 - Council Members Christianson, Dokken and Fagerlie voted "No." Mayor Heitke cast the deciding affirmative vote.

Item No. 8 The Committee considered a request for improvements to the parking lot at the Willmar Education and Arts Center. The plan includes resurfacing, striping, and expansion, which was part of the original plan for the facility. The estimated cost is approximately \$72,000. The Committee was recommending to the Council that the project request be referred to the City's Capital Improvement Program. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Public Works/Safety Committee Report of May 11, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report of May 12, 1999, was presented to the Mayor and Council by Council Member Dokken. There were seven items for Council consideration.

Item No. 1 The Committee met with Larry Juhl and Tom Van Buren, new operators of the fairground racetrack, to discuss plans for the 1999-racing season. Races will be held Friday evenings from late May to early September, and a 10:30 p.m. stop-time will be enforced by the operators. After the races each evening, all the racecars on trailers will exit onto 7th Street Northwest as opposed to exiting out the west-end of the track. New concrete track barriers are being installed for safety purposes, but will also serve to deflect noise.

The Committee asked the operators to be mindful of the noise and dust issues, and to try to show their appreciation to the north side residents. This matter was for information only.

Item No. 2 The Committee reviewed correspondence from Kandiyohi County and Willmar Municipal Utilities requesting that the City waive building permit and plan review fees for the law enforcement center/jail project and the east side electrical substation. The City Administrator suggested that a policy be established to deal with such requests, or that he be given the authority to negotiate directly with other governmental jurisdictions on fee issues. It was the opinion of Staff that the state surcharge not be waived, as those represent direct costs.

The Committee discussed several options for dealing with the fee requests. No consensus was reached.

The Committee was recommending to the Council that the building permit and plan review fee for Willmar Municipal Utilities be waived as requested. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried. The Committee further recommended that the City Administrator negotiate building permit and plan review fees for the County project and report back to the Council. Council Member Christianson moved to approve the motion of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

City Administrator Schmit informed the Mayor and Council that he has met with Kandiyohi County officials, and as a result of those negotiations, was recommending that the current tapping fee be waived, the building permit fee be reduced to \$3,832.00, and that the plan review fee remain at \$19,238.30. Council

Member Christianson moved to approve the City Administrator's recommendation with Council Member Dokken seconding the motion, which carried.

Item No. 3 The Committee reviewed a letter from the library furniture architect requesting that his fees be based on the original cost estimate rather than the actual cost of the furniture/furnishings. Staff reminded the Committee that a similar request had been approved for the overall project architect.

Following discussion, it was the consensus of the Committee that the two requests were not comparable, because the furniture architect's work is part of the project architect's contract. The Committee was recommending to the Council that the request be denied. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 Staff reported to the Committee that the environmental review portion of the airport project was substantially complete. To comply with State requirements, staff was requesting that the City Council make a "Determination of Adequacy" for the State Environmental Impact Statement, and that it publish the determination in the EOB Monitor.

The Committee was recommending to the Council that the City Council make a Determination of Adequacy for the EIS, and publish the determination in the EOB Monitor. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 5 The Committee reviewed a tenant profile for the Valleyside Townhomes project, as submitted by the HRA. This matter was for information only.

Item No. 6 The Committee reviewed a proposal by a private business to acquire a parcel of City-owned land south of West Highway 12. The land was originally purchased as part of a major parcel for a previously planned crosswind runway at the current airport site. The Committee discussed the merits of the sale, as well as the need to involve MnDOT in the process because the State participated in the original purchase.

The Committee was recommending to the Council that staff be directed to pursue the sale as proposed. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 7 The Committee reviewed an update on the assisted living facility project. The developer anticipates a late summer start on construction. The Committee discussed the time frame for completing the tax increment financing plan which was given tentative approval last Fall, and was recommending to the Council that the public hearing on the TIF plan be set for August 4, 1999. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

The Community Development Committee Report of May 12, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

The Labor Relations Committee Report of May 18, 1999, was presented to the Mayor and Council by Council Member Christianson. There was one item for Council consideration.

Item No. 1 The Committee continued its discussion of Public Safety issues including the Public Safety Director's position, the hiring of an executive search firm, and the Fire Chief and Fire Marshal position classifications. The Committee reviewed a history of Police and Fire Department organizational issues, and Chairman Christianson entertained comments from Committee members and others in attendance.

Following discussion, Council Member Anderson moved to recommend to the full Council that the position classification of Public Safety Director be eliminated and that the City proceed to hire a Police Chief and a full-time Fire Chief/Fire Marshal. Further, that new and revised job descriptions for the Fire Chief/Fire Marshal and Police Chief will be prepared and adopted at a later date. Council Member Reese seconded the motion, which carried. Council Member Christianson moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

The Labor Relations Committee Report of May 18, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

The Mayor and Council considered a request from Dakota Telecommunications Group for a cable franchise. Following discussion, Council Member Reese offered a motion to publish the Notice by the City of Willmar of Its Intent to Franchise a Cable Communications System. Council Member Anderson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that Don Woltjer informed the City of his intent to appeal his Project 9901 assessment to District Court and has requested Council reconsideration of the assessment without incurring attorney fees. Staff has reviewed the Woltjer property at 424 8th Street Southwest, noting the Assessor's estimated value of \$26,400. Staff was recommending to the Council reconsideration of Mr. Woltjer's assessment. Council Member Reese moved to reduce the sewer assessment on the Woltjer property to \$1,507.50. Council Member Christianson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council Dave Moody, representing the Unitarian Church, has informed the City of his intent to appeal the Church's Project 9901 assessment to District Court. The assessment amount of \$4,746 is a street assessment only, and the Church believes the benefit to the property following the loss of a large tree and additional boulevard for a turnlane, does not exceed a value of one-half the assessed amount. Following discussion, Council Member Christianson moved to reduce the street assessment on the Unitarian Church to \$2,400.00. Council Member Dokken seconded the motion, which carried.

Wayne Sandbulte appeared before the Mayor and Council to present information on WISER (Workplace, Integrity Self-esteem, Equity, Respect). The Program is a self-directed learning program designed to teach cultural diversity in the work place. Mr. Sandbulte was encouraging a volunteer from the City attend the September 15, 1999, training program, and Mayor Heitke indicated that he would work with the Council and staff to promote attendance at the training.

Mayor Heitke announced that there would be a Special Olympics event on Saturday, May 22, 1999, with several hundred participants.

Leisure Services Director Dale Johnson, who will be retiring in July, was publicly recognized for 25 years of service.

Announcements for Council Committee meeting dates were as follows: Labor Relations, May 26, 1999.

Mayor Heitke introduced Adrianna Diaz, new reporter for KWLM Radio.

There being no further business to come before the Council, the meeting adjourned at 9:14 p.m. upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL